IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.877 OF 2007

IN

CRIMINAL APPEAL NO.61 OF 2006

Bala @ Gangaram Chandrakant
Achrekar : Applicant.

versus

The State of Maharashtra ; Respondent

Mr.Ganesh Gole for the applicant.
Mr.P.A.Pol, APP, for the State/Respondent

CORAM : A.S.OKA, J.

DATED : 11/09/2007.

P.C.

1. Heard learned counsel appearing for the applicant. The applicant has been convicted for the offence punishable under Section 304 Part II r/w 34 of the Indian Penal Code and Section 324

r/w 34 of the Indian Penal Code. The appeal preferred by the applicant has been admitted for final hearing. As the earlier bail application made by the applicant was rejected by this Court by an order dated 7th November 2006, this application has been ordered to be placed before this Court by an Administrative Order dated 30th August 2007 passed by the Hon'ble the Chief Justice.

2. The submission of the learned counsel appearing for the applicant is that the co-accused have been granted bail by this Court before the earlier application made by the applicant was rejected. He pointed out that out of the substantive sentence of ten years, the applicant has already undergone sentence for a period of four years and the appeal is not likely to be heard in near future.

3. I have considered the submissions made by the learned counsel appearing for the applicant. By an order dated 7th November 2006, the hearing of the appeal has been expedited. By further order dated 16th March 2007 the appeal has been ordered to be placed for final hearing.

Therefore, as of today no case is made out of change in the circumstances requiring interference with the view taken earlier. However, if the appeal preferred by the applicant is not listed for hearing within a period of six months from today, the applicant can always approach this Court by way of an application for bail.

4. Subject to what is stated above, the application is rejected.

[A.S.OKA, J.]